

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims are not anticipated under 35 U.S.C. § 102 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.

The applicants will now address each of the issues raised in the outstanding Office Action.

Rejections under 35 U.S.C. § 102

Claims 1-8, 12-15, 19-22, 24-26 and 28-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0049375 ("the Strommer publication"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The Strommer publication discloses a medical imaging and navigation system for invasive probing. The system includes an imaging detector for detecting a plurality of two-dimensional images each associated with a location, a direction, and an organ timing signal within an organ,

such that a plurality of three-dimensional images of the organ can be reconstructed and displayed. (See, e.g., the Abstract and paragraphs [0030]-[0033] of the Strommer publication.)

Independent claims 1, 4 and 19 have been amended to include recitations from dependent claims 2 (now canceled), 5 (now canceled) and 20 (now canceled), respectively. These claims, as amended, are not anticipated by the Strommer publication because the Strommer publication does not teach an ultrasonic diagnostic apparatus comprising display control means for causing display means to display the ultrasonic tomographic image and the tomographic parallel images thereby allowing them to be compared. This feature is illustrated, for example, by Fig. 8, and elements 51 and 53 of the present application.

The Examiner asserts that "display means" or "display control means", recited in claims 1, 4 and 19, as amended, are taught by elements 834, 836 and 838 in Fig. 22 of the Strommer publication. However, these elements do not "display the ultrasonic tomographic image and the tomographic parallel images so as to compare them." Moreover, in the Strommer publication, tomographic parallel images constructing means use two-dimensional ultrasonic tomographic image for re-constructing and displaying a three-dimensional image.

That is, even though the Strommer publication discloses **capturing** a plurality of two-dimensional images (tomographic images) associated with a location and direction of an imaging detector within an organ, such two-dimensional images are used for reconstructing and **displaying** a plurality of three-dimensional images, not a

plurality of two-dimensional images along a scan path of an image detector. Specifically, the Strommer publication has display means for displaying reconstructed three-dimensional images, projections of the three-dimensional images on real-time two-dimensional images, and tomographic images. (See, e.g., Figures 18-20 and paragraphs [0249]-[0259] of the Strommer publication.) However, this does not teach displaying tomographic images and a plurality of tomographic parallel images along a scan path on the same screen, thereby permitting one to compare them.

Thus, claims 1, 4 and 19, as amended, are not anticipated by the Strommer publication for at least this reason. Since claim 3 depends from claim 1, since claims 6-8 and 12-15 directly or indirectly depend from claim 4, and since claims 21, 22, 24-26 and 28-32 directly or indirectly depend from claim 19, these claims are similarly not anticipated by the Strommer publication.

In addition, claim 19 is not anticipated by the Strommer publication because the Strommer publication does not seem to include "auxiliary image creating means." Paragraph [0004] of the Strommer publication cited by the Examiner teaches no structure which is the same as, or equivalent to, the claimed "auxiliary image creating means".

Rejections under 35 U.S.C. § 103

Claims 15, 16 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Strommer publication and further in view of U.S. Patent No.

5,680,865 ("the Tanaka patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Since these claims depend from claim 4, and since the purported teachings of the Tanaka patent do not compensate for the deficiencies of the Strommer publication with respect to claim 4 (discussed above), these claims are not rendered obvious by the Strommer publication and the Tanaka patent regardless of the scope of the purported teachings of the Tanaka patent and regardless of the presence or absence of an obvious reason to combine these references.

Claims 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Strommer publication and further in view of U.S. Patent Application Publication No. 2003/0114742 ("the Lewkowicz publication"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Since these claims depend from claim 4, and since the purported teachings of the Lewkowicz publication do not compensate for the deficiencies of the Strommer publication with respect to claim 4 (discussed above), these claims are not rendered obvious by the Strommer publication and the Lewkowicz publication regardless of the scope of the purported teachings of the Lewkowicz publication and regardless of the presence or absence of an obvious reason to combine these references.

Entry of Amendments

Since the claim amendments merely incorporate features from dependent claims into independent claims, these amendments raise no new issues, and should therefore be entered.

Conclusion

In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Any arguments made in this amendment pertain **only** to the specific aspects of the invention **claimed**. Any claim amendments or cancellations, and any arguments, are made **without prejudice to, or disclaimer of**, the applicants' right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Since the applicants' remarks, amendments, and/or filings with respect to the Examiner's objections and/or rejections are sufficient to overcome these objections and/or rejections, the applicants' silence as to assertions by the Examiner in the Office Action and/or to certain facts or conclusions that may be implied by objections and/or rejections in the Office Action (such as, for example, whether a reference constitutes prior art, whether references have been properly combined or modified, whether dependent claims are separately

patentable, etc.) is not a concession by the applicants that such assertions and/or implications are accurate, and that all requirements for an objection and/or a rejection have been met. Thus, the applicants reserve the right to analyze and dispute any such assertions and implications in the future.

Respectfully submitted,

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